

REMARKS

Claims 1-12 are now pending in the application. By this amendment, Claims 1, 2, 8, and 12 have been amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained therein.

REJECTION UNDER 35 U.S.C. § 112

Claims 8-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

This rejection is respectfully traversed.

Claim 8 has been amended to call for a “body assembly.” In this manner, Applicants respectfully submit that Claim 8 is in condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 8, 9, 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by (U.S. Pat. No. 4,533,894) to Bishop et al., (Bishop).

This rejection is respectfully traversed.

Independent Claim 1 calls for a bimetal snap disc thermostat including “at least one tapered surface” operable to facilitate insertion of a pair of heater terminals into a body assembly and at least one resistance heater fixed to the heater terminals by a pair of leads. Furthermore, independent Claim 1 calls for the heater terminals to engage the body “to position said at least one resistance heater” relative to a snap disc. See Specification at pg. 8, Ins. 12-19 and Figs. 2 and 3. Similarly, independent Claim 8 calls for a bimetal snap disc thermostat including a pair of heater terminals having at least one projection “operable to engage said body assembly to support said heaters in spaced relationship to said body assembly” adjacent to a bimetal snap disc. Furthermore, independent Claim 12 calls for a bimetal snap disc thermostat including a pair of terminals “having a projection for engaging said body assembly to suspend said leads and said heater element within said chamber in spaced relationship to said body.” See Specification at pg. 7, Ins. 21-22 and pg. 8, Ins. 1-11.

In this manner, the present invention discloses a bimetal snap thermostat (10) having at least one heating element (52, 54) positioned in a spaced relationship relative to a snap disc (42) through interaction between a body (12) and the pair of terminals (60, 66). Specifically, the present invention discloses a projection (72, 74) formed on each of the terminals that engages the body to position the terminals relative to the body. See Specification at pg. 8, Ins. 6-11 and Fig. 4. The heating elements are fixedly connected to the terminals by a pair of leads (56, 58) and are positioned relative to the snap disc through interaction between the projections of the terminals and the body. See Fig. 4.

In addition, the present invention discloses forming inclined slots (62, 68) on either side of a bridge portion (44) and a pair of radially outwardly inclined wall portions (84, 86,

88, 90). The inclined wall portions (84, 86, 88, 90) slope towards, and cooperate with, the inclined slots (62, 68) to facilitate insertion of the terminals into the body. See Specification at pg. 8, Ins. 12-19 and Figs. 2 and 3.

Bishop fails to teach such a relationship. Rather, Bishop discloses positioning a pair of heater elements (34, 36) relative to a body (10) through engagement between leads of the heaters and radial webs (47). See Bishop at Col. 3, Ins. 52-68. Specifically, the leads of the heater elements engage the radial webs to position the heater elements relative to the body before the terminals (39, 41) are fully seated so that “movement of the terminals to their properly installed position occurs after the heater leads are properly seated against the webs.” See Bishop at Col. 4, Ins. 28-45 and Fig. 7.

Furthermore, Bishop fails to teach forming an inclined slot to facilitate insertion of the terminals into the body. Rather, Bishop teaches forming a pair of openings (42) “sized to closely fit” the edges of the terminals to position the terminals within the thermostat. See Bishop at Col. 3, Ins. 34-51.

Because Bishop fails to teach positioning a pair of heating elements in a spaced relationship relative to a snap disc through interaction between a pair of heater terminals and a body assembly, and further, because Bishop fails to teach forming inclined slots to facilitate insertion of the terminals into the body, Applicant respectfully submits that Bishop fails to teach each and every element of the present invention. Accordingly, Applicant respectfully submits that independent Claims 1, 8, and 12, as well as Claims 2-5, 9, and 11, respectively dependent therefrom, are in condition for

allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 6, 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop.

This rejection is respectfully traversed.

Independent Claims 1, 8, and 12 are believed to be in condition for allowance in light of the remarks contained above. Because Claims 6, 7, and 10 depend from independent Claims 1 and 8, respectively, defendant Claims 6, 7, and 10 should similarly be in a condition for allowance for at least the same reasons. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 2/13/04

By: David P. Utykanski
David P. Utykanski
Registration No. 39,052

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

DPU/MHS/gp